

REMARKS

Claims 14-25 remain in the application with claims 14 and 19 having been amended hereby. Claims 1 and 3-7 are canceled hereby without prejudice or disclaimer. Claims 2 and 8-13 have been previously canceled. Claims 14 and 19 are in independent form.

Claims 3 and 14 have been objected to for various informalities. Claim 14 has been amended to correct the informalities and claim 3 has been canceled. Reconsideration of the objection is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 14-25 under 35 U.S.C. 103(a) as being unpalatable over Sako et al. (European Patent Application No. EP 1076332 A1) in view of Miura et al. (Japanese Patent Application No. JP 03207051).

Independent claim 14 relates to a method for reproducing data from a recording medium. A first data, a second data, or both the first data and the second data, and content data representing contents of the first data are recorded onto the medium. The first data is recorded in a form of a track consisting of a plurality of pits. The second data is recorded by displacing the pits from the track in a direction normal to the track. The content data includes identification data that indicates whether the second data is recorded on the recording medium. The content data further includes reproduction-mode identification data representing a

reproduction mode of reproducing the first data and the second data. The method comprising the steps of determining a type of the recording medium from the identification data read from the recording medium and reproducing the first data and the second data read from the recording medium in accordance with the reproduction mode identification data when the second data is recorded on the recording medium.

Neither Sako et al. nor Miura et al., alone or taken together, teach or suggest that the content data includes reproduction-mode identification data representing a reproduction mode of reproducing the first data and the second data. The Examiner alleges that the "copy identification data IC" of Sako et al. is analogous to the "reproduction-mode identification data" of the present invention. However, the cited portion of Sako et al. (paragraph [0053]) relates to using a disc discriminating unit 27 to determine whether data is an original by checking the copy identification data IC, and controlling the selecting circuit 27 accordingly. The disc discriminating unit of Sako et al. is not taught to check the "disk identification data ID."

Paragraph [0044] of Sako et al. holds that the selecting circuit 25 is usually turned on in response to an output from the disc discriminating unit 27 by checking the disc identification data ID.

Therefore, the description at paragraph [0053] of Sako et al. explains that the copy identification data IC can substitute for the disc identification data ID. Where the disc discriminating unit 27 has already checked the disc identification data ID, there is no point in later checking the copy identification IC.

Therefore, independent claim 14 is patentable over the cited art for at least the above reasons. Moreover, claims 15-25 are patentable over the cited art for at least similar reasons.

Therefore, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that the recording medium, apparatus for reproducing data from a recording medium, and method for reproducing data from a recording medium, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to

further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in dark ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first and last names being more prominent.

Jay H. Maioli
Reg. No. 27, 213

JHM/JBG